



SO ORDERED.

SIGNED this 07 day of May, 2010.

A handwritten signature in black ink, reading "Randy D. Doub", is written over a horizontal line.

Randy D. Doub
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION

IN RE:

DEUCE INVESTMENTS, INC.

DEBTOR

CASE NO:

10-01083-8-RDD

CHAPTER 11

**CONSENT ORDER REGARDING BRANCH BANKING AND TRUST COMPANY'S
OBJECTION TO MOTION FOR APPROVAL OF PRIVATE SALE AND MOTION TO
SELL PROPERTY FREE AND CLEAR OF LIENS AND OTHER INTERESTS WITH
LIENS TO ATTACH TO PROCEEDS PURSUANT TO 11 U.S.C. § 363(f)**

THIS MATTER comes before the undersigned Bankruptcy Judge upon the consent of Branch Banking and Trust Company ("BB&T"), a creditor in the above-captioned case, and Deuce Investments, Inc. (the "Debtor"), relating to the Objection to Motion for Approval of Private Sale and Motion to Sell Property Free and Clear of Liens and Other Interests with Liens to Attach to Proceeds Pursuant to 11 U.S.C. § 363(f) filed by BB&T. The Court makes the following findings of fact and conclusions of law:

1. This court has jurisdiction over this proceeding pursuant to 28 U.S.C. §§ 151, 157, and 1334.
2. The Debtor filed a petition for relief under Chapter 11 of the Bankruptcy Code on February 12, 2010.
3. The Debtor lists on its Schedule A certain real property located on Cleveland Road in Johnston County, North Carolina described as the "Fuller Tract" (the "Property") with a value of \$450,000.00.
4. BB&T holds a first priority perfected security interest in the Property pursuant to a Promissory Note in the original principal amount of \$249,000.00 (the "Note") and North Carolina Deed of Trust and Security Agreement (the "Deed of Trust")

recorded in Book 3488, Page 325 of the Johnston County Register of Deeds. Copies of the Note and Deed of Trust are attached to the proof of claim filed by BB&T in the above-referenced case on February 26, 2010.

5. The outstanding balance under the Note, as of March 23, 2010, was \$259,666.68, which includes interest in the amount of \$5,846.31, late fees in the amount of \$2,176.00, and \$2,644.37 in attorneys' fees. Interest continues to accrue under the Note at the per diem rate of \$39.7708. The full amount due to BB&T under the Note, including principal, interest, late fees, and attorneys' fees, is herein referred to as the "BB&T Claim."
6. The Debtor has received an offer from RAC Properties to purchase the Property for the price of \$259,666.68 (the "Purchase Offer"). RAC Properties has agreed to assume all current and past property taxes on the Property as well as all closing costs related to a sale. RAC Properties further agrees to pay BB&T a per diem of \$39.7708 from March 23, 2010 until the closing date of the sale.
7. On April 15, 2010, the Debtor filed Motions for Approval of Private Sale and to Sell Property Free and Clear of Liens and Other Interests with Liens to Attach to Proceeds Pursuant to 11 U.S.C. § 363(f) (the "Debtor's Motions").
8. On April 29, 2010, BB&T filed a response in opposition to the Debtor's Motions.
9. The parties have reached an agreement resolving BB&T's Objection whereby the BB&T Claim will be paid in full from the proceeds of the sale of the Property.

WHEREFORE, IT IS ORDERED,

1. That the BB&T Claim, in the amount of \$259,666.68 shall be paid in full from the proceeds of the sale of the Property.
2. That the interest accruing since March 23, 2010 through the date on which BB&T is paid shall be paid by the purchaser at the closing of the sale of the Property;
3. That all costs associated with the sale of the Property, including but not limited to closing costs, taxes, commissions, and attorneys' fees, shall not be imposed on BB&T;
4. That the Debtor is not entitled to recover from the Property securing the BB&T Claim any costs or expenses under 11 U.S.C. § 506(c); and
5. That under the conditions expressed in this Order, BB&T consents to a sale of the Property free and clear of liens and other interests.

We consent:

STUBBS & PERDUE, P.A.

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